

The Honorable Royce West
Texas State Senate
5787 South Hampton Road, Suite 385
Dallas, Texas 75232

Re: Permit Amendment Application

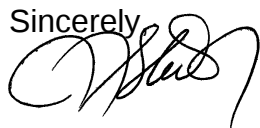
Dear Senator West:

Pursuant to the requirements of Section 382.0516 of the Texas Clean Air Act, Texas Health and Safety Code, Chapter 382, this letter is to notify you of the recent receipt of an application for a permit amendment for a facility which is located in your district. As part of the air permitting process, this applicant will be required to publish a formal public notice in a newspaper of general circulation in the municipality nearest to the facility location. The notice will inform the public of their right to ask questions, make comments, request a public hearing, or request a public meeting. This letter is being sent to you for information only and no action is required. The status of all pending air quality applications are listed by region and may be viewed by visiting our agency web site at www.tnrcc.state.tx.us/permitting/airperm/nsrp/maps/nsrmap.shtml.

GAF Materials Corporation, P.O. Box 655607, Dallas, Texas, 75265-5607, has applied to modify their Asphalt Roofing Materials Manufacturing Facility located at 2600 Singleton Boulevard, Dallas, Dallas County, Texas. The Air Quality Permit Number is 7711A.

If you need further information or have any questions, please call Mr. Richard Hyde at (512) 239-1317 or write him at the Texas Natural Resource Conservation Commission, Office of Permitting, Remediation, and Registration, Air Permits Division (MC-162), P.O. Box 13087, Austin, Texas 78711-3087.

Sincerely,



John F. Steib, Jr., Director
Air Permits Division
Office of Permitting, Remediation & Registration

JS/RH/dn

bcc: Mr. Tony L. Walker, Air Program Manager, Fort Worth
Mr. Scott Hill, Air Pollution Control Program, Department of Health and Human
Services, Dallas
Ms. Jole Luehrs, Chief, New Source Review, Section (6PD-R), Environmental
Protection
Agency, Region 6, Dallas
Ms. Charlene Smith, Notice Team, Office of Chief Clerk, Austin
Ms. Jodena Henneke, TNRCC Office of Public Assistance, Austin
Mr. Richard Hyde, Air Permits Division, Austin

The Honorable Terri Hodge
Texas House of Representatives
4032 Swiss Avenue
Dallas, Texas 75204

Re: Permit Amendment Application

Dear Representative Hodge:

Pursuant to the requirements of Section 382.0516 of the Texas Clean Air Act, Texas Health and Safety Code, Chapter 382, this letter is to notify you of the recent receipt of an application for a permit amendment for a facility which is located in your district. As part of the air permitting process, this applicant will be required to publish a formal public notice in a newspaper of general circulation in the municipality nearest to the facility location. The notice will inform the public of their right to ask questions, make comments, request a public hearing, or request a public meeting. This letter is being sent to you for information only and no action is required. The status of all pending air quality applications are listed by region and may be viewed by visiting our agency web site at www.tnrcc.state.tx.us/permitting/airperm/nsrp/maps/nsrmap.shtml.

GAF Materials Corporation, P.O. Box 655607, Dallas, Texas, 75265-5607, has applied to modify their asphalt roofing materials manufacturing facility located at 2600 Singleton Boulevard, Dallas, Dallas County, Texas. The Air Quality Permit Number is 7711A.

If you need further information or have any questions, please call Mr. Richard Hyde at (512) 239-1317 or write him at the Texas Natural Resource Conservation Commission, Office of Permitting, Remediation, and Registration, Air Permits Division (MC-162), P.O. Box 13087, Austin, Texas 78711-3087.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Steib", with a stylized flourish at the end.

John F. Steib, Jr., Director
Air Permits Division
Office of Permitting, Remediation & Registration

JS/RH/dn

June 7, 2002

Mr. Roger Stevens
Plant Manager
GAF Materials Corporation
P.O. Box 655607
Dallas, Texas 75265-5607

Re: Declaration of Administrative Completeness
Permit Amendment Application
Air Quality Permit No. 7711A
Asphalt Roofing Materials Manufacturing Facility
Dallas, Dallas County

Dear Mr. Stevens:

We have declared the above-referenced application, received on September 27, 2001, administratively complete on June 7, 2002.

You are now required to publish notice of your proposed activity. To help you meet the regulatory requirements associated with this notice, we have included the following items:

- * Notices for Newspaper Publication (Examples A and B)
- * Sign Posting Example (Example C)
- * Instructions for Public Notice
- * Affidavit of Publication
- * Notification List
- * Air Permit Public Notice and Alternative Language Notice Certification Form

Please note that it is VERY IMPORTANT that you follow ALL directions in the enclosed instructions. If you do not, you may be required to republish the notice. A common mistake is the unauthorized changing of notice wording or font. If you have any questions, please contact us before you proceed with publication.

The following items and time limitations are also described in the enclosed instructions. However, due to their importance we want to highlight them for you.

1. Publish the enclosed notice and post signs within **30 calendar days** after your application is declared administratively complete (see this letter's first paragraph for the declaration date).

Mr. Roger Stevens
Page 2
June 7, 2002

Re: Air Quality Permit No. 7711A

2. You may also be required to publish notice and post signs in an alternate language (refer to the enclosed *Instructions for Public Notice*, and *Air Permit Public Notice and Alternative Language Notice Certification Form*). The Air Permit Public Notice and Alternative Language Notice Certification Form, and spanish notice templates are available at www.tnrcc.state.tx.us/permitting/r_e/par.
3. Place a copy of your application in a public place in the county where the facilities are or will be located. This copy must be accessible to the public for review and copying and remain in place throughout the newspapers' comment period.
4. Return original newspaper clippings (tear sheets) of the notices, which show publication date and newspaper name, to the TNRCC Office of the Chief Clerk and copies to those on the enclosed *Notification List* within **10 business days** after notices are published.
5. Return the original enclosed *Affidavit of Publication* and, if applicable, *Alternative Language Affidavit of Publication* to the Office of the Chief Clerk and copies to those on the enclosed *Notification List* within **30 calendar days** after the notice is published in the newspaper.
6. Return the *Air Permit Public Notice and Alternative Language Notice Certification Form* to the Office of the Chief Clerk and copies to those on the enclosed *Notification List* within **10 business days** after end of the comment period listed in the notices.

If you do not comply with all requirements described in the instructions, further processing of your application may be suspended or the agency may take other actions. Please note that as your application undergoes the technical review, we may request additional information.

If you have any questions regarding publication requirements, please contact the Office of the Chief Clerk at (512) 239-3300. If you have any other questions, please contact Mr. Don Nelon at (512) 239-0894.

Sincerely,

Janet Wyman, Team Leader
Air and Waste Applications Team
Permits Administrative Review Section
Registration, Review, and Reporting Division

JW/dn

Enclosures

EXAMPLE A

NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN AIR PERMIT

PROPOSED AIR QUALITY PERMIT NO. 7711A

APPLICATION GAF Materials Corporation, P.O. Box 655607, Dallas, Texas, 75265-5607, has applied to the Texas Natural Resource Conservation Commission (TNRCC) for amendment to Air Quality Permit No. 7711A which would authorize modification to their Asphalt Roofing Materials Manufacturing Facility located at 2600 Singleton Boulevard, Dallas, Dallas County, Texas. The following air contaminants will be evaluated for authorization: particulate matter, organic compounds, carbon monoxide, nitrogen oxides, and sulfur dioxide.

This application was submitted to the TNRCC on September 27, 2001. The application is available for viewing and copying at the TNRCC central office, the TNRCC Dallas-Fort Worth regional office, and the Probate Court at Law Number 1, 500 Main Street, Dallas, Dallas County, Texas. The facility's compliance file, if any exists, is available for public review in the Dallas-Fort Worth regional office of the TNRCC.

The TNRCC executive director has determined the application is administratively complete and will conduct a technical review of the application.

PUBLIC COMMENT/PUBLIC MEETING You may submit public comments, a request for a public meeting, or request a contested case hearing to the Office of the Chief Clerk at the address below. The TNRCC will consider all public comments in developing a final decision on the application. **The deadline to submit public comments is 30 days after newspaper notice is published.** After the deadline for public comments, the executive director will prepare a response to all relevant and material or significant public comments.

The purpose of a public meeting is to provide the opportunity to submit comments or ask questions about the application. A public meeting about the application may be held if the executive director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

If only comments are received on the application, the response to comments, along with notice of the executive director's action on the application, will be mailed to everyone who submitted comments or is on the mailing list for this application.

If a hearing request is timely filed, the executive director will complete the technical review, issue a preliminary decision on the application, and a Notice of Application and Preliminary Decision will be published and mailed to those who are on the mailing list for this application. That notice will contain the final deadline for submitting public comments.

After the final deadline for public comments following any required Notice of Application and Preliminary Decision, the executive director will consider the comments and prepare a response to all relevant and material, or significant public comments. If comments are received, the response to comments, along with the executive director's decision on the application, will then be mailed to everyone who submitted public comments or is on a mailing list for this application.

OPPORTUNITY FOR A CONTESTED CASE HEARING You may request a contested case hearing. A contested case hearing is a legal proceeding similar to a civil trial in state district court. Unless a written request for a contested case hearing is filed within 30 days from this notice, the executive director may approve the application. **If no hearing request is received within this 30-day period, no further opportunity for hearing will be provided.** A contested case hearing will only be granted based on disputed issues of fact that are relevant and material to the Commission's decision on the application. Further, the Commission will only grant a hearing on those issues raised during the public comment period and not withdrawn.

A person who may be affected by emissions of air contaminants from the facility is entitled to request a hearing. If requesting a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a specific description of how you would be adversely affected by the application and air emissions from the facility in a way not common to the general public; (5) the location and distance of your property relative to the facility; and (6) a description of how you use the property which may be impacted by the facility. If the request is made by a group or an association, the one or more members who have standing to request a hearing, and the interests which the group or association seeks to protect, must also be identified. You may also submit your proposed adjustments to the application/permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing within 30 days following this notice to the Office of the Chief Clerk, at the address below.

If a hearing request is timely filed, additional notice may be provided. Following the close of all applicable comment and request periods, the executive director will forward the application and any requests for contested case hearing to the TNRCC Commissioners for their consideration at a scheduled Commission meeting. If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact relating to relevant and material air quality concerns raised during the comment period. Issues such as property values, noise, traffic safety, and zoning are outside of the Commission's jurisdiction to address in this proceeding.

MAILING LIST In addition to submitting public comments, you may ask to be placed on a mailing list to receive future public notices for this specific application mailed by the Office of the Chief Clerk by sending a written request to the TNRCC Office of the Chief Clerk at the address below.

INFORMATION Written public comments or requests for a public meeting or contested case

hearing should be submitted to the Office of the Chief Clerk, MC-105, TNRCC, P.O. Box 13087, Austin, Texas 78711-3087. For more information about this permit application or the permitting process, please call the Office of Public Assistance, Toll Free, at 1-800-687-4040. General information regarding the TNRCC can be found at www.tnrcc.state.tx.us.

Further information may also be obtained from GAF Materials Corporation at the address stated above or by calling Mr. Roger Stevens, Plant Manager at (214) 637-8919.

EXAMPLE B

Publication Elsewhere in the Newspaper:

TO ALL
INTERESTED PERSONS AND PARTIES:

GAF Materials Corporation has applied to the Texas Natural Resource Conservation Commission (TNRCC) for amendment to a permit Air Quality Permit No. 7711A which would authorize modification to their Asphalt Roofing Materials Manufacturing Facility located at 2600 Singleton Boulevard, Dallas, Dallas County, Texas. Additional information concerning this application is contained in the public notice section of this newspaper.

← Minimum 2 column widths or 4 inches →

↑ 3 " minimum ↓

EXAMPLE C

SIGN POSTING

Sign(s) must be in place on day of publication of first newspaper notice and must remain in place and be legible for the 30-day public comment period (which begins on the last day of newspaper publication, either English or alternate language, whichever is later). Note - The information shown is an example only. It is your responsibility to verify that the appropriate information pertaining to your application is accurate. Each sign placed at the site must be located within 10 feet of each (every) property line paralleling a street or other public thoroughfare. Signs must be spaced at not more than 1,500-foot intervals. A minimum of one sign, but not more than three signs shall be

← 18 " minimum → line paralleling a public thoroughfare.

↑
28 "
minimum
↓

AIR QUALITY PERMIT
APPLICATION NO. 7711A
FOR FURTHER INFORMATION CONTACT:
TEXAS NATURAL RESOURCE CONSERVATION COMMISSION AIR PROGRAM
DALLAS-FORT WORTH (DFW) REGIONAL OFFICE

2301 GRAVEL DRIVE
FORT WORTH, TEXAS 76118

(817) 588-5800

Sign(s) must be placed at whatever height above the ground is necessary for sign(s) to be 100 percent visible from the street.

WHITE BACKGROUND WITH BLACK LETTERS

All lettering must be 1½" block printed capitals

INSTRUCTIONS FOR PUBLIC NOTICE For New Source Review Air Permit

NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN PERMIT

Your application has been declared administratively complete and now you must comply with the following instructions:

Please Review Notice

We have included in the notice all of the information which we believe is necessary. Please read it carefully and notify us immediately if it contains any errors or omissions. You are responsible for ensuring the accuracy of all information published. You may not change the text or font/style of the notice without prior approval from the TNRCC.

Newspaper Notice

- You must publish the enclosed *Notice of Receipt of Application and Intent to Obtain Permit* within **30 calendar days** after the date of administrative completeness.
- You must publish the enclosed *Notice of Receipt of Application and Intent to Obtain Permit* at your expense, in a newspaper of general circulation in the municipality where the facilities are or will be located. If the facilities are not located within a municipality, the newspaper should be of general circulation in the municipality nearest the location.
- You must publish this notice in one issue of any applicable newspaper.
- You will find two example notices enclosed in this package. *Example A* must be published in the "public notice" section of the newspaper. *Example B* must be published in the **same issue** of the newspaper as *Example A*; however, it must be published in a prominent location (other than the public notice section). *Example B* notice is intended to refer the public to the "public notice" section of the newspaper where *Example A* provides more information regarding the permit application.
- *Example B* must be a total of at least **6 column inches (standard advertising units)** with a height of at least **3 inches** and a horizontal dimension of **2 column widths**. If the newspaper chosen does not use standard advertising units for measurement, the notice must be at least **12 square inches** with the shortest side at least 3 inches.
- The bold text of the enclosed notice **must** be printed in the newspaper in a font style or size that distinguishes it from the rest of the notice (i.e., **bold**, *italics*). **Failure to do so may require re-notice.**

Alternative Language Notice

In certain circumstances, applicants for air permits must complete notice in alternative languages.

- Public notice rules require the applicant to determine whether a bilingual program is required at either the elementary or middle school nearest to the proposed facility location. Bilingual education programs are determined on a district-wide basis. When students who are required to attend either school are eligible to be enrolled in a bilingual education program, some alternative language notice is required (signs notice, or signs and newspaper notice).
- Since the school district, and not the schools, must provide the bilingual education program, these programs do not have to be located at the above-mentioned schools to trigger the alternative language notice requirement. If there are students who would normally attend the nearest schools, but are eligible to be taught in a bilingual education program at a different location, alternative language notice is required.
- If triggered, publication of alternative language notices must be made in a newspaper or publication printed primarily in each language taught in the bilingual education program. This notice is required if such a newspaper or publication exists in the municipality or the county where the facility is or will be located.
- The applicant must demonstrate a good faith effort to identify a newspaper or publication in the required language. If a general circulation newspaper or publication printed in such language cannot be found, publishing in that language is not required, but signs must still be posted adjacent to each English language sign. Publication in an alternative language section or insertion within a large publication which is not printed primarily in that alternative language does not satisfy these requirements.
- The applicant has the burden to demonstrate compliance with these requirements. To assist applicants to meet these requirements, the TNRCC has provided the *Air Permit Public Notice and Alternative Language Notice Certification Form* (enclosed). This form is available at www.tnrcc.state.tx.us/permitting/r_e/par.
- It is suggested the applicant work with the local school district to do the following:
 - (a) Determine if a bilingual program is required in the district;
 - (b) Determine which language is required by the bilingual program;
 - (c) Locate the nearest elementary and middle schools; and
 - (d) Determine if any students attending either school are eligible to be enrolled in a bilingual educational program.

Proof of Publication

- You must submit **original newspaper clippings** of the published notices which show the date of publication and the name of the newspaper to the TNRCC Office of the Chief Clerk within **10 business days** after the date of publication.
- You must submit an **original publisher's affidavit** to the Office of the Chief Clerk within **30 calendar days** after the date of publication. **You must use the enclosed affidavit.** The affidavit must clearly identify the applicant's name and permit number.

- You are encouraged to submit the affidavit with the original newspaper clippings described above; however, the affidavit must be submitted no later than **30 calendar days** after publication of notice.
- The **original publisher's affidavit** and **original newspaper clippings of the published notices** must be mailed to:

TNRCC
Office of the Chief Clerk, MC-105
Attn: Notice Team
P.O. Box 13087
Austin, Texas 78711-3087

- Please ensure that the affidavit and newspaper clippings you send to the TNRCC Chief Clerk are originals and that all blanks on the affidavit are filled in correctly. Photocopies of newspaper clippings and affidavits will not be accepted.
- **Photocopies of newspaper clippings, affidavits, and verifications must also** be sent to those listed on the enclosed *Notification List* within the deadlines specified above.

Failure to Publish and Submit Proof of Publication

You must meet all publication requirements. **If you fail to publish the notice or submit proof of publication on time, then** the TNRCC may suspend further processing on your application or take other actions.

Sign Posting

Applicants for air quality permits must also post signs.

- Signs must be in place on the first day of publication in a newspaper and must remain in place and be legible for the publications' designated comment period.
- The information enclosed (*Example C*) is an example only. It is your responsibility to verify that the appropriate information pertaining to your application is accurate. Any changes to the text prepared by the TNRCC need to be approved by the agency.
- Each sign placed at the site must be located within 10 feet of each (every) property line paralleling a public street, road, or highway. Signs must be spaced at not more than 1,500-foot intervals. A minimum of one sign, but not more than three signs are required along any property line paralleling a public street, road, or highway. Sign(s) must be placed at whatever height above the ground is necessary for sign(s) to be 100 percent visible from the street.
- All lettering on the sign must be **1½"** in height. The sign must be at least **18"** wide and **28"** tall.
- Alternative language signs are required if alternative notice is required, even if no newspaper can be found.

- You must submit verification of sign posting using the Air Permit Public Notice and Alternative Language Notice Certification Form within **10 business days** after end of the publications' designated comment period.

Application in a Public Place

- You must provide a copy of the administratively complete application at a public place for review and copying by the public. This place must be in the county in which the facility is located or proposed to be located.
- A public place is one that is publicly owned or operated. For example, libraries, county courthouses, or city halls.
- The administratively complete application must be available beginning on the first day of newspaper publication and remain available until the end of the publications' designated comment period.
- If the application is submitted to the TNRCC with information marked as confidential, you are required to indicate which specific portions of the application are not being made available to the public. These portions of the application must be accompanied with the following statement: "Any request for portions of this application that are marked as confidential must be submitted in writing, pursuant to the Public Information Act, to the TNRCC Public Information Coordinator, MC-197, P.O. Box 13087, Austin, Texas 78711-3087."
- You must submit verification of file availability using the Air Permit Public Notice and Alternative Language Notice Certification Form within **10 business days** after end of the publications' designated comment period.

General Information

When contacting the Commission regarding this application, please refer to the permit number at the top of the *Notice of Receipt and Intent to Obtain Permit*.

If you have questions or need assistance regarding publication requirements, please contact the TNRCC Office of the Chief Clerk at (512) 239-3300 or the project reviewer listed in the cover letter.

TNRCC-OFFICE OF THE CHIEF CLERK

Applicant Name: GAF Materials

Corporation

MC-105 Attn: Notice Team

Permit No.: 7711A Permit Action: Amendment

PO BOX 13087

Notice of Intent to Obtain Permit

AUSTIN TX 78711-3087

AFFIDAVIT OF PUBLICATION

STATE OF TEXAS §

COUNTY OF _____ §

Before me, the undersigned authority, on this day personally appeared _____, who being by me duly sworn,

(name of newspaper representative)

deposes and says that (s)he is the _____

(title of newspaper representative)

of the _____; that said newspaper is generally
circulated in _____, Texas;

(in the municipality or nearest municipality to the proposed facility)

that the attached notice was published in said newspaper on the following date(s):

_____.

(Newspaper Representative's Signature)

Subscribed and sworn to before me this the _____ day of _____, 20____
, to certify which witness my hand and seal of office.

(Seal)

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

My Commission Expires _____

TNRCC-OFFICE OF THE CHIEF CLERK
Corporation
MC-105 Attn: Notice Team
PO BOX 13087
AUSTIN TX 78711-3087

Applicant Name: _____GAF Materials
Permit No.: 7711A Permit Action: Amendment
Notice of Intent to Obtain Permit

ALTERNATIVE LANGUAGE AFFIDAVIT OF PUBLICATION

STATE OF TEXAS §
COUNTY OF _____ §

Before me, the undersigned authority, on this day personally appeared _____,

(name of newspaper representative)

deposes and says that (s)he is the _____

(title of newspaper representative)

of the _____; that said newspaper is generally
circulated in _____, Texas;

(in the same county as the proposed facility)

that the attached notice was published in said newspaper on the following date(s):

(Newspaper Representative's Signature)

Subscribed and sworn to before me this the _____ day of _____, 20____
, to certify which witness my hand and seal of office.

(Seal)

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

My Commission Expires _____

NOTIFICATION LIST

It is the responsibility of the applicant to furnish the following offices with copies of the notices published, the *Affidavit of Publication*, a completed copy of the *Bilingual Notice Verification Form*, and a completed *Sign and Application Availability Verification Form*. Originals should be sent to the Office of Chief Clerk, MC-105, TNRCC, P.O. Box 13087, Austin, Texas 78711-3087. **Copies** should be sent to the following:

U. S. Environmental Protection Agency
Regional Administrator
Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

Mr. Tony L. Walker, Manager
Air Program
TNRCC Region No. 4
2301 Gravel Drive
Fort Worth, Texas 76118
Mr. Scott Hill
Air Pollution Control Program
Department of Health and
Human Services
320 East Jefferson Street, Suite LL13
Dallas, Texas 75203

Texas Natural Resource
Conservation Commission
Office of Permitting, Remediation, and
Registration
Air Permits Division (MC-162)
Mr. Richard Hyde
P.O. Box 13087
Austin, Texas 78711-3087

Air and Waste Applications Team MC-161

MR ROGER STEVENS
PLANT MANAGER
GAF MATERIALS CORPORATION
PO BOX 655607
DALLAS TX 75265-5607

Air and Waste Applications Team, MC-161

THE HONORABLE ROYCE WEST
TEXAS STATE SENATE
5787 SOUTH HAMPTON ROAD SUITE 385
DALLAS TX 75232

Air and Waste Applications Team, MC-161

THE HONORABLE TERRI HODGE
TEXAS HOUSE OF REPRESENTATIVES
4032 SWISS AVENUE
DALLAS TX 75204